Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the matter of	)	
	)	
Joint Application by BellSouth Corporation,	)	
BellSouth Telecommunications Inc., and	)	
BellSouth Long Distance, Inc. for Provision	)	CC Docket No. 02-35
of In-Region, InterLATA Services	)	
In Georgia and Louisiana	)	
	)	

AFFIDAVIT OF JOHN D. McLAUGHLIN, JR.

State of Georgia)
)
County of Fulton)

John D. McLaughlin, Jr., being of lawful age and duly sworn, hereby states as follows:

1. My business address is 1755 North Brown Road, Lawrenceville, Georgia. I am the Director of State Government Affairs for KMC Telecom, and as such am responsible for managing KMC Telecom's state-level regulatory and legislative obligations throughout an eleven state region encompassing Georgia, Florida, Alabama, Mississippi, Louisiana, South Carolina, North Carolina, Tennessee, Kentucky, Maryland, and Virginia.

2. KMC Telecom ("KMC") is a facilities-based Competitive Local Exchange Carrier ("CLEC") offering service in many states throughout the United States, including Georgia and Louisiana. KMC and its affiliates are building switched, high-speed, high-capacity advanced fiber optic networks to provide various services to business customers, including local

and long distance voice and data services. Although KMC invests millions of dollars in each of the primarily tier III cities in which it competes, it relies upon the ILECs to provide the all important last mile of connectivity to most of its customer locations.

3. I have been the Director of State Regulatory Affairs for KMC Telecom since May 2000. Prior to joining KMC, I spent thirteen (13) years with the Georgia Public Service Commission ("Georgia PSC"). In my most recent assignment with the Georgia PSC, I served as Principal Public Utilities Engineer-Telecommunications. In that position, I advised the Commissioners on major regulatory cases such as BellSouth's 271 applications, arbitration of Interconnection Agreements, and unbundled network element ("UNE") costs. I also established performance standard measures for the processing of CLEC orders and managed the process for reviewing and approving negotiated Interconnection Agreements. I have a Bachelor of Science degree in Electrical Engineering from the University of Tennessee.

4. In October 2001, I submitted an affidavit on behalf of KMC in opposition to BellSouth's application to provide in-region interLATA services in Georgia and Louisiana. *See* KMC Comments at Attachment A, Affidavit of John D. McLaughlin, Jr. (Oct. 22, 2001), in CC Docket No. 01-237. In that affidavit, I explained that KMC's ability to compete in Georgia and Louisiana has been severely hampered by BellSouth's poor performance and unresponsiveness. I explained that BellSouth's poor performance provisioning loops and directory assistance precluded the Commission from concluding that BellSouth satisfied checklist item iv, and discussed that BellSouth failed to provide adequate directory listing services. I further stated that data that BellSouth provides through its data reporting mechanism indicated that BellSouth was not in compliance with the section 271 checklist.

5. I now submit this affidavit in support of KMC's comments in opposition to BellSouth's new application to provide in-region interLATA services in Georgia and Louisiana. Since submitting an affidavit in October 2001, over four months ago, KMC has not experienced any notable improvement in BellSouth's performance in areas on which KMC initially commented. As I discuss below, BellSouth still provides KMC with substandard performance in two of the areas most vital to competition: loop provisioning and directory assistance. Furthermore, in KMC's commercial dealings with BellSouth, KMC has found BellSouth's OSS to be deficient.

BELLSOUTH'S LOOP PERFORMANCE PREVENTS A FINDING OF COMPLIANCE WITH CHECKLIST ITEM IV

6. In my October affidavit, I stated that it did not appear that BellSouth had proper procedures for performing loop hot cuts, particularly those with number portability. In KMC's experience, successful hot cuts had resulted only from a tremendous amount of hand-holding by KMC in the three or four days preceding the cut-over. This situation has not changed. BellSouth still fails to meet its obligation to perform the time specific hot cuts for which KMC contracts. In other instances, BellSouth fails to postpone an order despite adequate notice from KMC, which results in either full or partial service outages. (There are two separate orders involved, a disconnect ("D") order and a new ("N") order, when completing a hot cut.) Frequently, BellSouth postpones or "supps" only the disconnect or the reconnect order, thus leaving the customer without service. The effect of BellSouth's poor performance is the same: an end user customer blames the CLEC (in this case KMC) and not BellSouth.

Loop Installation Performance Data

7. In my October affidavit, I stated that BellSouth's performance provisioning loops was poor and inconsistent. For example, I stated that from July 2000 through April 2001, in Georgia, BellSouth missed 23% of all UNE appointments that it had confirmed with KMC. I also highlighted several specific instances of poor performance, in Georgia, including, for example: (i) in August, BellSouth missed 27% of its installation appointments for basic two-wire analog loop installs for KMC, which represented a 10% decline in BellSouth's performance compared with its performance in June 2001; (ii) in August, BellSouth missed 11% of its installation appointments for UNE Other Design loops; (iii) in June, BellSouth missed over 25% of its installation appointments for UNE Digital Loops < DS1, and 33% of its installation appointments for UNE Digital Loops >= DS1. From July 2000 through April 2001, BellSouth missed 23% of all UNE appointments it had confirmed for KMC in Georgia. *See* BellSouth PMAP Website - http://pmap.bellsouth.com.

8. Data also indicated that loop installation performance was equally deficient in Louisiana. For example, in August 2001, BellSouth missed 22% of its installation appointments for UNE Digital Loops < DS1; 29% of its installation appointments for UNE Design Loops >= DS1s, and 11% of the installation appointments for UNE Other Design. BellSouth's Louisiana performance was even worse than BellSouth Georgia's performance during the period October 2000 through April 2001, missing 33% of all UNE appointments it confirmed with KMC. *See* BellSouth PMAP Website - http://pmap.bellsouth.com.

9. To date, BellSouth's performance installing the services KMC orders remains extremely poor and inconsistent. In both Georgia and Louisiana, recent data (prepared by BellSouth) indicate that BellSouth repeatedly misses installation appointments for virtually all

circuit types. As one example, in Georgia, BellSouth's performance provisioning two-wire analog loops with LNP has been extremely sporadic and unreliable, such that KMC cannot rely on BellSouth's appointments.

% Missed Installation Appointments for KMC for Two-Wire Analog Loops with LNP[1]	
June 2001	19%
October 2001	15%
January 2002	9%
Average (June '01-Jan '02)	11%

10. Similarly, in Louisiana, KMC also has experienced problems with BellSouth missing installation appointments, most notably with DS1 circuits. As the chart below illustrates, BellSouth's performance provisioning UNE Digital Loops has not improved since August 2001.

Sample Louisiana Data Metric -- % Missed Installation Appointments		
Circuit Type	**August**	**January**
UNE Digital Loop < DS1	22%	25%
UNE Digital Loop >= DS1	29%	17%

11. The numbers cited herein are mere examples of BellSouth's poor performance meeting installation appointments. In most instances, data indicate that BellSouth's average performance for satisfying installation appointments (from June 2001 through January 2002) in both Georgia and Louisiana fails to meet the standards appropriately established by this Commission.

Loop Outages

[1] BellSouth Local Report Card for Georgia, BellSouth PMAP Website – http://pmap.bellsouth.com.

12. The BellSouth loop outage problems begin right after installation. In January, the most recent month for which data is available, 13% of the KMC analog loops (designed) in Georgia failed within 30 days of installation. In Louisiana, 16% of the analog loops installed in December failed within 30 days.

13. KMC has experienced significant problems with chronic outages. In my October affidavit, I stated that BellSouth's own reported performance data indicated that over ***two-thirds*** of KMC's DS1 loops in Georgia that suffered a trouble in August had a prior trouble, and 42% of KMC's DS1 loops with trouble in Louisiana in August had a prior trouble. Even worse, in Georgia, ***three-fourths*** of the DS1 circuits in July suffered from that same problem, while nearly half of KMC's DS1 loops suffered from a prior trouble in Louisiana. In Louisiana, almost one out of every five troubles on KMC UNE circuits during the seven month period from October 2000 through April 2001 were on lines with a prior problem.

14. KMC still experiences problems with chronic outages on all circuit types, particularly with regard to analog and DS1 circuits. In fact, as the chart below illustrates, in Georgia, for example, KMC has experienced *increased* problems with chronic outages with regard to two wire analog loops. In August 2001, 13% of the circuits experienced repeat troubles, yet by January 2002, that number had increased to 22% of the analog circuits.

% Repeats				
	August 2001	**October 2001**	**January 2002**	**6/01-1/02 Average**
GEORGIA				
Two-wire analog loop	13%	10%	22%	14%
UNE Digital Loop >=DS1	69%	27%	14%	34%
LOUISIANA				
Two-wire analog loop	18%	18%	13%	16%
UNE Digital Loop >=DS1	42%	45%	21%	35%

KMC also has not experienced any sustained or notable improvement with regard to two-wire analog loops in Louisiana. As the chart illustrates, the repeat circuit failure rate has hovered around 18%, with an overage chronic outage rate for the past eight months of 16%.

15. As noted in the attached comments, the KMC-specific numbers are consistent with the poor performance BellSouth provides to CLECs in the aggregate. Thus, BellSouth's performance – using BellSouth's own data – illustrates that it is not in compliance with checklist item iv.

16. In light of the chronic troubles, several KMC City Directors have mandated, as standard procedure, that DS0 circuits be installed as back-up for each BellSouth DS1 so that customers are not completely out of service when the DS1 circuits inevitably go down. While unfortunately necessary, this practice cuts into our revenue and profit numbers and makes it difficult for us to compete.

BELLSOUTH'S OSS IS INSUFFICIENT

17. KMC has had substantial problems ordering circuits from BellSouth as a result of BellSouth's OSS. In many instances, KMC will receive a Firm Order Commitment ("FOC") that provides a due date for the requested service, but that is missing critical information such as the order number. In other instances, BellSouth improperly rejects KMC's orders.

18. When we receive a FOC that is lacking a BellSouth order number, our personnel cannot communicate with their counterparts at BellSouth in order to coordinate the installation. The result is inefficiency, delay, and customer disruption.

19. BellSouth has also routinely rejected KMC orders in error. BellSouth will, for example, reject orders citing "invalid circuit ID" even though KMC has verified the circuit ID through BellSouth's own COSMOS system and has properly submitted all necessary information.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on March 4, 2002.

_____
John D. McLaughlin, Jr.
KMC Telecom, Inc.

STATE OF GEORGIA)
) ss
COUNTY OF FULTON)

Subscribed and sworn to before me this ____ day of March, 2002.

Witness my hand and official seal.

My Commission expires: _____ .

_____.
Notary Public